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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,933

01/26/2004

Chih-Hung Su

ADTP0105USA

1932

27765 7590 03/22/2007

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION

P.O. BOX 506

MERRIFIELD, VA 22116

EXAMINER

CANNING, ANTHONY J

ART UNIT

PAPER NUMBER

2879

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

03/22/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/22/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/707,933	SU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anthony J. Canning	2879	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)                |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application      |
| Paper No(s)/Mail Date <u>1/9/07</u> .  | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 December 2006 has been entered.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Haskal et al. (U.S. 5,952,778).

As to claim 11, Haskal et al. disclose an organic light emitting display, comprising: a substrate (see Fig. 1, item 8; column 2, lines 25-33); an organic light emitting unit (see Fig. 1, item 2; column 2, lines 25-33) on the substrate, and a passivation layer (see Fig. 1, items 12, 14 and 16; column 3, lines 31-63) covering the organic light emitting unit, wherein the passivation layer is made of a compound of organic and inorganic materials (see Fig. 1, items 14 and 16;

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column 3, lines 46-63; layer 14 can be silicon dioxide, which is an inorganic material; layer 16 can be a siloxane which is an organic material), and the compound has a varied organic/inorganic ratio from an inner side of the passivation layer adjacent to the organic light emitting unit to an outer side of the passivation layer (see Fig. 1, items 14 and 16).

As to claim 12, Haskal et al. disclose the organic light emitting display of claim 11. Haskal et al. disclose that the organic content is preponderant in a portion of the passivation layer adjacent to the organic light-emitting unit (see Fig. 3, items 14 and 16; column 3, lines 46-63; layer 14 can be silicon dioxide; layer 16 can be a siloxane which has carbon, hydrogen and oxygen; the ratio of organic to inorganic materials is higher in layer 14 which is the passivation layer most adjacent to the organic unit).

As to claim 13, Haskal et al. disclose the organic light emitting display of claim 11. Haskal et al. further disclose that the inorganic content is preponderant in a portion of the passivation layer not in contact with the organic light-emitting unit (see Fig. 3, items 14 and 16; column 3, lines 46-63; layer 14 can be silicon dioxide; layer 16 can be a siloxane which has carbon, hydrogen and oxygen; the ratio of organic to inorganic materials is higher in layer 14 which is the passivation layer most adjacent to the organic unit; layer 14 has a higher ratio of inorganic material to organic material and is not in contact with the organic unit).

As to claim 14, Haskal et al. disclose the organic light emitting display of claim 11. Haskal et al. further disclose a thickness of the passivation layer is in a range of about 500 to 5000 angstroms (see Fig. 1, item 14; column 3, lines 46-57; 200 nm is 2000 angstroms).

As to claim 15, Haskal et al. disclose the organic light emitting display of claim 11. Haskal et al. further disclose that the passivation layer includes  $\text{SiO}_x\text{C}_y\text{H}_z$ ,  $\text{SiN}_x\text{C}_y\text{H}_z$ , or

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$\text{SiO}_w\text{N}_x\text{C}_y\text{H}_z$  compounds (see Fig. 1, item 16; column 3, lines 58-63; siloxanes have the first formula).

As to claim 16, Haskal et al. disclose the organic light emitting display device of claim 11. Haskal et al. further disclose that the passivation layer has light transmittance in a range of about 40 to 90% (silicon dioxide has a light transmittance in this range).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haskal et al. (U.S. 5,952,778).

As to claim 14, Haskal et al. disclose the organic light emitting display of claim 11. Haskal et al. further disclose a thickness of the passivation layer is in a range of about 500 to 5000 angstroms (layers 12, 14 and 16 combined). However, to establish unexpected results over a claimed range, applicants should compare a sufficient number of tests both inside and outside the claimed range to show the criticality of the claimed range. *In re Hill*, 284 F.2d 955, 128 USPQ 107 (CCPA 1960). An affidavit or declaration under 37 CFR 1.132 must compare the claimed subject matter with the closest prior art to be effective to rebut a *prima facie* case of obviousness. *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979). "A comparison of the *claimed* invention with the disclosure of each cited reference to determine the number of claim

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limitations in common with each reference, bearing in mind the relative importance of particular limitations, will usually yield the closest single prior art reference.” *In re Merchant*, 575 F.2d 865, 868, 197 USPQ 785, 787 (CCPA 1978) (emphasis in original). Where the comparison is not identical with the reference disclosure, deviations therefrom should be explained, *In re Finley*, 174 F.2d 130, 81 USPQ 383 (CCPA 1949), and if not explained should be noted and evaluated, and if significant, explanation should be required. *In re Armstrong*, 280 F.2d 132, 126 USPQ 281 (CCPA 1960) (deviations from example were inconsequential).

### ***Response to Arguments***

In light of the amendment to claim 1, the 35 U.S.C. 112 2<sup>nd</sup> paragraph rejection has been withdrawn.

In light of the amendment and the IDS a new rejection has been given above.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Canning whose telephone number is (571)-272-2486. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Nimesh D. Patel can be reached on (571)-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony Canning   
8 March 2007

  
SIKHA ROY  
PRIMARY PATENT EXAMINER